

FILED
DISTRICT COURT OF GUAM

OCT - 6 2005

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE
TERRITORY OF GUAM

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Raymond Gerald Lizama Calvo,
Defendant.

CRIMINAL CASE NO. 05-00016-002

Re: Violation Report; Request for Modification of Release Conditions

On February 24, 2005, Raymond Gerald Lizama Calvo made an Initial Appearance in U.S.D.C. Criminal Case Number 05-00016 on an Indictment charging him with Attempted Possession with Intent to Distribute Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and 846. His case was ordered sealed.

On the same date, Mr. Calvo was released on a personal recognizance bond with conditions that he report to the U.S. Probation Office and the Drug Enforcement Administration as directed; surrender any passport to the Clerk of Court, District Court of Guam; obtain no passport; maintain a fixed residence; refrain from possessing a firearm, destructive device, or other dangerous weapon; refrain from excessive use of alcohol; refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner; submit to any method of testing required by a pretrial services officer or the supervising officer for determining whether he is using a prohibited substance; report as soon as possible any contact with any law enforcement personnel; stay away from all ports of entry and exit; and not leave Guam without permission of the Court and the U.S. Probation Office.

On April 22, 2005, Mr. Calvo pleaded guilty to charge listed on the Indictment. On July 15, 2005, the case was ordered unsealed. His sentencing hearing is set for November 2, 2005. Mr. Calvo is alleged to have violated the following condition:

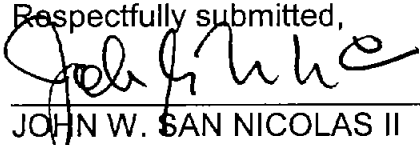
Violation Report; Request for Modification of Release Conditions
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Special Condition: *The defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.* On August 20, 2005, Mr. Calvo tested positive for use of marijuana at the drug testing vendor. The sample was sent to Quest Laboratories for confirmation testing because Mr. Calvo denied use of illicit substances. On September 14, 2005, this officer received the laboratory report which indicated a positive result for marijuana for the August 20, 2005 drug test. On September 16, 2005, this officer met with Mr. Calvo, who stated that he smoked "one or two tokes" of marijuana at an after-work party on the evening of August 19, 2005. In addition, he stated that he consumed "three to four" long island tea mixed alcoholic beverages. He executed an admission form, admitting to using marijuana and drinking alcohol in excess.

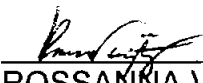
In light of the above violations, it is recommended that the Court modify Mr. Calvo's pretrial release conditions, pursuant to 18 U.S.C. §3142(c)(3) to include:

1. The defendant shall refrain from any use of alcohol.

Mr. Calvo and his attorney have agreed to the proposed modification and have executed Probation Form PS42, Consent to Modify Conditions of Release. His compliance will continue to be closely monitored. Any further violations will be reported to the Court accordingly.

Respectfully submitted,
By: 
JOHN W. SAN NICOLAS II
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Karon Johnson, Assistant U.S. Attorney
Rawlen Mantanona, Defense Attorney
File